

STATE OF MICHIGAN  
COURT OF APPEALS

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UNPUBLISHED

May 21, 2013

In the Matter of J. E. FOSTER, Minor.

No. 312757

Wayne Circuit Court

Family Division

LC No. 90-288107-NA

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Before: WILDER, P.J., and STEPHENS and RONAYNE KRAUSE, JJ.

MEMORANDUM.

Respondent appeals as of right from a circuit court order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(g), (i), and (j). We affirm.

Respondent's sole issue on appeal is that the trial court erred in finding that termination of her parental rights was in the child's best interests.<sup>1</sup> See MCL 712A.19b(5). The trial court's decision regarding the child's best interests is reviewed for clear error. *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

The evidence supports the trial court's finding that respondent "has a chronic substance abuse . . . history for which treatment has been unsuccessful and the mother has previously failed to successfully complete a Parent Agency Agreement which has prevented reunification." The record discloses that respondent used drugs while pregnant with her first child in 1990, which led to that child becoming a temporary court ward. Respondent was given an opportunity to participate in reunification services but did nothing, and her parental rights to that child were terminated. Respondent used cocaine during each of her next three pregnancies, which led to the termination of her parental rights to those three children. Despite the fact that respondent's drug abuse was a significant factor in the loss of her other children, respondent knowingly subjected

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<sup>1</sup> Although respondent's statement of questions presented also included an issue involving whether a statutory basis for termination was established by clear and convincing evidence, respondent waived this issue by conceding in the statement of questions presented that the evidence was sufficient to establish a basis for termination under MCL 712A.19b(3)(l). See *In re Powers*, 244 Mich App 111, 118; 624 NW2d 472 (2000) (evidence of only one statutory ground to support termination order is sufficient). Additionally, she abandoned that issue by only addressing the best-interest issue in the argument section of her brief on appeal.

the present child to a risk of harm by using cocaine during her pregnancy. The evidence also supports the trial court's finding that respondent was not able to provide the permanency, stability, and general care and supervision the child required. Respondent had not raised any of her other seven children due at least in part to her substance abuse and she was still struggling with her substance abuse problem while pregnant with the child. Despite her lengthy history of substance abuse, respondent began inpatient treatment just a few days before the termination hearing. Although there was evidence that respondent had visited the child, the child was just two months old at the time of the termination hearing. Given this evidence, the trial court did not clearly err in finding that termination of respondent's parental rights was in the child's best interests.

We find no merit to respondent's complaint that she was not provided with reunification services before her parental rights were terminated. "Reasonable efforts to reunify the child and family must be made in all cases" except under certain circumstances, one of which is that "[t]he parent has had rights to the child's siblings involuntarily terminated." MCL 712A.19a(2)(c). It is undisputed that respondent's parental rights to three other children were involuntarily terminated in 1992, 1999, and 2000. Therefore, petitioner was not required to provide reunification services before seeking termination of respondent's parental rights.

Affirmed.

/s/ Kurtis T. Wilder  
/s/ Cynthia Diane Stephens  
/s/ Amy Ronayne Krause